

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

CHAPTER 21—INDIAN CHILD WELFARE

Sec.

1901. Congressional findings.
 1902. Congressional declaration of policy.
 1903. Definitions.

SUBCHAPTER I—CHILD CUSTODY PROCEEDINGS

1911. Indian tribe jurisdiction over Indian child custody proceedings.
 (a) Exclusive jurisdiction.
 (b) Transfer of proceedings; declination by tribal court.
 (c) State court proceedings; intervention.
 (d) Full faith and credit to public acts, records, and judicial proceedings of Indian tribes.
1912. Pending court proceedings.
 (a) Notice; time for commencement of proceedings; additional time for preparation.
 (b) Appointment of counsel.
 (c) Examination of reports or other documents.
 (d) Remedial services and rehabilitative programs; preventive measures.
 (e) Foster care placement orders; evidence; determination of damage to child.
 (f) Parental rights termination orders; evidence; determination of damage to child.
1913. Parental rights; voluntary termination.
 (a) Consent; record; certification matters; invalid consents.
 (b) Foster care placement; withdrawal of consent.
 (c) Voluntary termination of parental rights or adoptive placement; withdrawal of consent; return of custody.
 (d) Collateral attack; vacation of decree and return of custody; limitations.
1914. Petition to court of competent jurisdiction to invalidate action upon showing of certain violations.
1915. Placement of Indian children.
 (a) Adoptive placements; preferences.
 (b) Foster care or preadoptive placements; criteria; preferences.
 (c) Tribal resolution for different order of preference; personal preference considered; anonymity in application of preferences.
 (d) Social and cultural standards applicable.
 (e) Record of placement; availability.
1916. Return of custody.
 (a) Petition; best interests of child.
 (b) Removal from foster care home; placement procedure.
1917. Tribal affiliation information and other information for protection of rights from tribal relationship; application of subject of adoptive placement; disclosure by court.
1918. Reassumption of jurisdiction over child custody proceedings.
 (a) Petition; suitable plan; approval by Secretary.
 (b) Criteria applicable to consideration by Secretary; partial retrocession.
 (c) Approval of petition; publication in Federal Register; notice; reassumption period; correction of causes for disapproval.

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- (d) Pending actions or proceedings unaffected.
1919. Agreements between States and Indian tribes.
 (a) Subject coverage.
 (b) Revocation; notice; actions or proceedings unaffected.
1920. Improper removal of child from custody; declination of jurisdiction; forthwith return of child; danger exception.
1921. Higher State or Federal standard applicable to protect rights of parent or Indian custodian of Indian child.
1922. Emergency removal or placement of child; termination; appropriate action.
1923. Effective date.

SUBCHAPTER II—INDIAN CHILD AND FAMILY PROGRAMS

1931. Grants for on or near reservation programs and child welfare codes.
 (a) Statement of purpose; scope of programs.
 (b) Non-Federal matching funds for related Social Security or other Federal financial assistance programs; assistance for such programs unaffected; State licensing or approval for qualification for assistance under federally assisted program.
1932. Grants for off-reservation programs for additional services.
1933. Funds for on and off reservation programs.
 (a) Appropriated funds for similar programs of Department of Health and Human Services; appropriation in advance for payments.
 (b) Appropriation authorization under section 13 of this title.
1934. "Indian" defined for certain purposes.

SUBCHAPTER III—RECORDKEEPING, INFORMATION AVAILABILITY, AND TIMETABLES

1951. Information availability to and disclosure by Secretary.
 (a) Copy of final decree or order; other information; anonymity affidavit; exemption from Freedom of Information Act.
 (b) Disclosure of information for enrollment of Indian child in tribe or for determination of member rights or benefits; certification of entitlement to enrollment.
1952. Rules and regulations.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

1961. Locally convenient day schools.
 (a) Sense of Congress.
 (b) Report to Congress; contents, etc.
1962. Copies to States.
1963. Severability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 941h, 1300j-7, 1653, 1727 of this title; title 42 sections 622, 674, 1996b, 14953.

§ 1901. Congressional findings

Recognizing the special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian people, the Congress finds—

- (1) that clause 3, section 8, article I of the United States Constitution provides that "The Congress shall have Power * * * To regulate Commerce * * * with Indian tribes¹" and,

¹ So in original. Probably should be capitalized.